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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,544	08/05/2003	Robert F. Burkholder	PTG 02-82-2	6044
23531	7590	05/25/2005	EXAMINER	
SUITER WEST SWANTZ PC LLO 14301 FNB PARKWAY SUITE 220 OMAHA, NE 68154			BALSIS, SHAY L	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,544

Applicant(s)

BURKHOLDER ET AL

Examiner

Shay L. Balsis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-24 and 26-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-24 and 26-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-9, 11, 13, 15-17 and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (USPN 4825496) in view of Strickland (USPN 3988799).

Taylor teaches a cleaner comprising a rotating hand held cleaning head assembly (59, 66, 83) for engaging a surface and directing water onto the surface. The cleaning head comprises a handle (57) coupled with the head. The cleaning head is a right angle cleaning head. There is an electric motor drive assembly (37) coupled with the hand held cleaning head to provide a driving force to the head. A flexible drive cable transmission assembly (61) couples the hand held cleaning head assembly and the drive assembly. There is a water attachment hose assembly (65) coupled with the hand held cleaning head to provide water to the head. The water is provided from a water source such as a storage container (32). The motor provides the water from the water source to the cleaning head. The motor is coupled to a transport assembly such as a dolly transport assembly (11, 12). The wheeled transport assembly comprises a hollowed area (22) that could be used for necessary storage. Taylor teaches all the essential elements of the claimed invention however fails to teach a hanger coupled with the transport assembly. Strickland teaches a scrubbing apparatus comprising a handheld cleaning device (47) and frame (11). The handheld cleaning device is hung on the frame by a hook means (col. 3, lines 7-12). It would

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have been obvious to use a hook means on the transport assembly of Taylor, as taught by Strickland, so that when the handheld cleaning is not in use, it can be stored on the transport assembly out the way.

Claims 1-4, 6-9, 11, 13, 15-17 and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over James, Jr. (USPN 3138815) in view of Strickland (USPN 3988799).

James teaches a cleaner comprising a rotating hand held cleaning head assembly (10) for engaging a surface and directing water onto the surface. The cleaning head comprises a handle (14) coupled with the head. The cleaning head is a right angle cleaning head with a splash guard (12). There is an electric motor drive assembly (34) coupled with the hand held cleaning head to provide a driving force to the head. A flexible drive cable transmission assembly (24) couples the hand held cleaning head assembly and the drive assembly. There is a water attachment hose assembly (50) coupled with the hand held cleaning head to provide water to the head. The water is provided from a water source such as a storage container (48). The motor provides the water from the water source to the cleaning head. The motor is coupled to a transport assembly such as a dolly transport assembly (36). The wheeled transport assembly comprises a hollowed area that could be used for necessary storage of the water source or the motor. James teaches all the essential elements of the claimed invention however fails to teach a hanger coupled with the transport assembly. Strickland teaches a scrubbing apparatus comprising a handheld cleaning device (47) and frame (11). The handheld cleaning device is hung on the frame by a hook means (col. 3, lines 7-12). It would have been obvious to use a hook means on the transport assembly of James, as taught by Strickland, so that when the handheld cleaning is not in use, it can be stored on the transport assembly out the way.

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Claims 1-3, 7-9, 11, 15, 17 and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cutler (USPN 4825496) in view of Strickland (USPN 3988799).

Cutler teaches a cleaner comprising a hand held cleaning head assembly (48) for engaging a surface and directing water onto the surface. The cleaning head comprises a handle coupled with the head. The cleaning head is a right angle cleaning head. There is an electric motor drive assembly coupled with the hand held cleaning head to provide a driving force to the head. A flexible drive cable transmission assembly (72) couples the hand held cleaning head assembly and the drive assembly. There is a water attachment hose assembly (62, 64) coupled with the hand held cleaning head to provide water to the head. The water is provided from a water source such as a storage container (34). The motor provides the water from the water source to the cleaning head. The cleaner assembly is coupled to a transport assembly such as a dolly transport assembly (12). The wheeled transport assembly comprises a hollowed area (30) that could be used for necessary storage. Cutler teaches all the essential elements of the claimed invention however fails to teach a hanger coupled with the transport assembly. Strickland teaches a scrubbing apparatus comprising a handheld cleaning device (47) and frame (11). The handheld cleaning device is hung on the frame by a hook means (col. 3, lines 7-12). It would have been obvious to use a hook means on the transport assembly of Cutler, as taught by Strickland, so that when the handheld cleaning is not in use, it can be stored on the transport assembly out the way.

Claims 1-5, 7-8, 11, 15, 17, 31-33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickerson (USPN 6522309) in view of Strickland (USPN 3988799).

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Dickerson teaches a cleaner comprising an orbital rotating hand held cleaning head assembly (37) for engaging a surface and directing water onto the surface. The cleaning head comprises a handle coupled with the head. The cleaning head is a right angle cleaning head. There is an electric motor drive assembly (26) coupled with the hand held cleaning head to provide a driving force to the head. There is a water attachment hose assembly (17) coupled with the hand held cleaning head to provide water to the head. The water is provided from a water source such as a storage container (11). The motor provides the water from the water source to the cleaning head. The cleaner assembly is coupled to a transport assembly such as a dolly transport assembly (13). The wheeled transport assembly comprises a hollowed area that could be used for necessary storage for the water. Dickerson teaches all the essential elements of the claimed invention however fails to teach a hanger coupled with the transport assembly. Strickland teaches a scrubbing apparatus comprising a handheld cleaning device (47) and frame (11). The handheld cleaning device is hung on the frame by a hook means (col. 3, lines 7-12). It would have been obvious to use a hook means on the transport assembly of Dickerson, as taught by Strickland, so that when the handheld cleaning is not in use, it can be stored on the transport assembly out the way.

Claims 18-19, 21-22, 26-27, 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (USPN 4825496) in view of Strickland (USPN 3988799) and further in view of Walker et al. (USPN 5156191).

Taylor teaches a cleaner comprising a rotating hand held cleaning head assembly (59, 66, 83) for engaging a surface and directing water onto the surface. The cleaning head comprises a handle (57) coupled with the head. The cleaning head is a right angle cleaning head. There is an

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electric motor drive assembly (37) coupled with the hand held cleaning head to provide a driving force to the head. A flexible drive cable transmission assembly (61) couples the hand held cleaning head assembly and the drive assembly. There is a water attachment hose assembly (65) coupled with the hand held cleaning head to provide water to the head. The water is provided from a water source such as a storage container (32). The motor provides the water from the water source to the cleaning head. The motor is coupled to a transport assembly such as a dolly transport assembly (11, 12). The wheeled transport assembly comprises a hollowed area (22) that could be used for necessary storage. Taylor teaches all the essential elements of the claimed invention however fails to teach a hanger coupled with the transport assembly and a strain reliever on the flex drive cable.

Strickland teaches a scrubbing apparatus comprising a handheld cleaning device (47) and frame (11). The handheld cleaning device is hung on the frame by a hook means (col. 3, lines 7-12). Taylor in view of Strickland teaches all the elements of the invention however fail to teach a strain reliever on the drive cable. Walker teaches a hose assembly comprises a strain reliever assembly. It would have been obvious to use a hook means on the transport assembly of Taylor, as taught by Strickland, so that when the handheld cleaning is not in use, it can be stored on the transport assembly out the way. Additionally, it would have been obvious to use a strain reliever assembly as taught by Walker on Taylor so that bending of the cable is minimized.

Claims 18-19, 21-22, 24, 26-27, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over James, Jr. (USPN 3138815) in view of Strickland (USPN 3988799) and further in view of Walker et al. (USPN 5156191).

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James teaches a cleaner comprising a rotating hand held cleaning head assembly (10) for engaging a surface and directing water onto the surface. The cleaning head comprises a handle (14) coupled with the head. The cleaning head is a right angle cleaning head with a splash guard (12). There is an electric motor drive assembly (34) coupled with the hand held cleaning head to provide a driving force to the head. A flexible drive cable transmission assembly (24) couples the hand held cleaning head assembly and the drive assembly. There is a water attachment hose assembly (50) coupled with the hand held cleaning head to provide water to the head. The water is provided from a water source such as a storage container (48). The motor provides the water from the water source to the cleaning head. The motor is coupled to a transport assembly such as a dolly transport assembly (36). The wheeled transport assembly comprises a hollowed area that could be used for necessary storage of the water source or the motor. James teaches all the essential elements of the claimed invention however fails to teach a hanger coupled with the transport assembly and a strain reliever on the flex drive cable.

Strickland teaches a scrubbing apparatus comprising a handheld cleaning device (47) and frame (11). The handheld cleaning device is hung on the frame by a hook means (col. 3, lines 7-12). James in view of Strickland teaches all the elements of the invention however fail to teach a strain reliever on the drive cable. Walker teaches a hose assembly comprises a strain reliever assembly. It would have been obvious to use a hook means on the transport assembly of James, as taught by Strickland, so that when the handheld cleaning is not in use, it can be stored on the transport assembly out the way. Additionally, it would have been obvious to use a strain reliever assembly as taught by Walker on James so that bending of the cable is minimized.

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Claims 18, 22, 24, 26-27, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cutler (USPN 4825496) in view of Strickland (USPN 3988799) and further in view of Walker et al. (USPN 5156191).

Cutler teaches a cleaner comprising a hand held cleaning head assembly (48) for engaging a surface and directing water onto the surface. The cleaning head comprises a handle coupled with the head. The cleaning head is a right angle cleaning head. There is an electric motor drive assembly coupled with the hand held cleaning head to provide a driving force to the head. A flexible drive cable transmission assembly (72) couples the hand held cleaning head assembly and the drive assembly. There is a water attachment hose assembly (62, 64) coupled with the hand held cleaning head to provide water to the head. The water is provided from a water source such as a storage container (34). The motor provides the water from the water source to the cleaning head. The cleaner assembly is coupled to a transport assembly such as a dolly transport assembly (12). The wheeled transport assembly comprises a hollowed area (30) that could be used for necessary storage. Cutler teaches all the essential elements of the claimed invention however fails to teach a hanger coupled with the transport assembly and a strain reliever on the flex drive cable.

Strickland teaches a scrubbing apparatus comprising a handheld cleaning device (47) and frame (11). The handheld cleaning device is hung on the frame by a hook means (col. 3, lines 7-12). Cutler in view of Strickland teaches all the elements of the invention however fail to teach a strain reliever on the drive cable. Walker teaches a hose assembly comprises a strain reliever assembly. It would have been obvious to use a hook means on the transport assembly of Cutler, as taught by Strickland, so that when the handheld cleaning is not in use, it can be stored on the

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transport assembly out the way. Additionally, it would have been obvious to use a strain reliever assembly as taught by Walker on Cutler so that bending of the cable is minimized.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Strickland in view of James or Cutler in view of Strickland in view of James or Dickerson in view of Strickland in view of James.

Taylor in view of Strickland, Cutler in view of Strickland or Dickerson in view of Strickland teach all the essential elements of the claimed invention however the references fail to teach a splash guard. James teaches a rotating brush head that comprises a splash guard. It would have been obvious to one ordinary skill in the art at the time the invention was made to include a splash guard on all the brush heads so as to avoid splashing of water or cleaning solution when in use and to avoid water or cleaning solution in the users face or on their clothes or other places that the water or cleaning solution was not intended to touch.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Strickland in view of Walker et al. (USPN 5156191) or Cutler in view of Strickland in view of Walker et al. (USPN 5156191) or James in view of Strickland in view Walker et al. (USPN 5156191) or Dickerson in view of Strickland in view of Walker et al. (USPN 5156191).

Taylor in view of Strickland, Cutler in view of Strickland, James in view of Strickland or Dickerson in view of Strickland teach all the essential elements of the claimed invention however the references fail to teach that the flex drive cable includes a strain reliever assembly. Walker teaches a hose assembly comprises a strain reliever assembly. It would have been obvious to use a strain reliever assembly as taught by Walker on Taylor in view of Strickland,

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Cutler in view of Strickland, James in view of Strickland or Dickerson in view of Strickland's drive cable so that bending of the cable is minimized.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Strickland or Cutler in view of Strickland or James in view of Strickland or Dickerson in view of Strickland.

Taylor in view of Strickland, Cutler in view of Strickland, James in view of Strickland or Dickerson in view of Strickland teach all the essential elements of the claimed invention however the references fail to teach that the water source comprises a plurality of water storage containers. The references all teach one water storage container. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a plurality of water storage containers so that the containers don't have to be refilled as often. Additionally, duplicating a part for a multiple effect is an examiner of a modification that has been considered to be within the level of ordinary skill in the art to follow. *124 USPQ 378, 380 (CCPA 1960)*.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Strickland and Walker and further in view of Cramer (USPN 689464) or James in view of Strickland and Walker and further in view of Cramer (USPN 689464).

Taylor in view of Strickland and Walker or James in view of Strickland and Walker teach all the essential elements of the claimed invention however fail to teach that the rotating cleaning head is an orbital rotating cleaning head. Cramer teaches a brush comprising an orbital rotating cleaning head. It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the cleaning head of Taylor in view of Strickland and Walker or

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James in view of Strickland and Walker with the orbital cleaning head of Cramer so as to increase the versatility of the cleaning apparatus.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Strickland and Walker or Cutler in view of Strickland and Walker or James in view of Strickland and Walker.

Taylor in view of Strickland and Walker, Cutler in view of Strickland and Walker or James in view of Strickland and Walker teach all the essential elements of the claimed invention however the references fail to teach that the electric motor is either a generator assembly or a pneumatic motor assembly. A generator or pneumatic motor are equivalent structure known in the art. Therefore, because these two types of electric motors were art-recognized equivalents at the time of the invention was made, one of ordinary skill in the art would have found it obvious to substitute the motors of Taylor in view of Strickland and Walker, Cutler in view of Strickland and Walker or James in view of Strickland and Walker for a generator assembly or a pneumatic motor assembly.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Strickland and Walker or Cutler in view of Strickland and Walker or James in view of Strickland and Walker.

Taylor in view of Strickland and Walker, Cutler in view of Strickland and Walker or James in view of Strickland and Walker teach all the essential elements of the claimed invention however the references fail to teach that the water source comprises a plurality of water storage containers. The references all teach one water storage container. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a plurality of water

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storage containers so that the containers don't have to be refilled as often. Additionally, duplicating a part for a multiple effect is an examiner of a modification that has been considered to be within the level of ordinary skill in the art to follow. *124 USPQ 378, 380 (CCPA 1960)*.

Applicant's Arguments

1. None of the prior art references teach a hanger coupled with the transport assembly.
2. Walker reference is located in a different class from the other references.

Response to Arguments

Applicant's arguments filed 4/18/05 have been fully considered but they are not persuasive. While none of the reference previously used taught a hanger coupled to a transport, it is an obvious modification to add a hanger as taught by Strickland (USPN 3988799).

In response to applicant's argument that Walker is located in a different class than the other references, it can still be used as prior art because it is reasonably pertinent to the particular problem with which the applicant was concerned. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the problem to be solved was to minimize bending in the cable. Walker et al. addresses this issue and solves the problem using a strain reliever.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MARK SPISICH
PRIMARY EXAMINER
GROUP 3400

Slb
5/18/05